

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

ISAAC DUANE WHITE,

Petitioner,

v.

**NATHANIEL QUARTERMAN,
Director, Texas Department of Criminal
Justice, Institutional Division,**

Respondent.

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CIVIL ACTION NO. V-99-0004

MEMORANDUM OPINION AND ORDER

Pending before the Court is Petitioner's Motion for the Judgment to Be Alter [sic] or Amend [sic]. (Dkt. No. 15.) After considering the motion and the applicable law, the Court is of the opinion that Petitioner's motion should be denied.

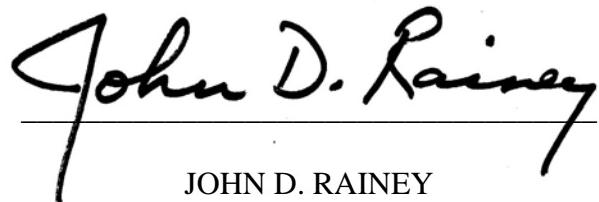
In January 1999, Petitioner brought an action seeking habeas corpus relief under 28 U.S.C. § 2254. (Dkt. No.1.) In an Order dated March 15, 2000 (Dkt. No. 13), the Court granted Respondent's Motion for Summary Judgment (Dkt. No. 8). The Court entered a Final Judgment the same day. (Dkt. No. 14.) Roughly eight years after the Court dismissed his habeas petition with prejudice, Petitioner moves that the Court grant him relief from its March 2000 judgment pursuant to Federal Rule of Civil Procedure 60(b).

Under AEDPA, before a prisoner can file a successive habeas petition in district court, he must first obtain leave to file a successive petition from the appropriate circuit court. 28 U.S.C. §§ 2244(b)(3)(A), 2255. Compliance with § 2244(b)(3)(A)'s certification requirement is a prerequisite to the district court's jurisdiction. *United States v. Key*, 205 F.3d 773, 774 (5th Cir. 2000). The Fifth

Circuit has held that motions under Federal Rule of Civil Procedure 60(b) seeking reconsideration of a denial of a habeas petition are normally treated as successive habeas petitions under AEDPA. *Hess v. Cockrell*, 281 F.3d 212, 214-15 (5th Cir. 2002); *Fierro v. Johnson*, 197 F.3d 147, 151 (5th Cir. 1999). Petitioner has not obtained leave from the Fifth Circuit to file the pending motion, and thus the Court does not have jurisdiction to consider it. Accordingly, Petitioner's Motion for the Judgment to Be Alter [sic] or Amend [sic] (Dkt. No. 15) is **DENIED**.

It is so **ORDERED**.

Signed this 5th day of November, 2008.



A handwritten signature in black ink, appearing to read "John D. Rainey". The signature is fluid and cursive, with a horizontal line drawn underneath it.

JOHN D. RAINY

UNITED STATES DISTRICT JUDGE